

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DWAYNE BARRETT,

Defendant.

No. 12-cr-45-3 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of the attached submission from Defendant Dwayne Barrett, which is dated December 23, 2020 but was received in chambers on January 12, 2021. Defendant requests an adjournment of his re-sentencing, which at the time of his writing was scheduled for January 28, 2021, to a date in late March or early April. On January 11, 2021, at the request of Defendant's counsel, the Court adjourned the re-sentencing to Wednesday, February 24, 2021 at 10:00 a.m. in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse. (Doc. No. 674.) Accordingly, IT IS HEREBY ORDERED THAT Defendant's request for an adjournment is denied as moot, without prejudice to a future request. Because Defendant is counseled, IT IS FURTHER ORDERED THAT all future correspondence in this matter – including adjournment requests – shall be submitted by counsel, unless and until Defendant elects to forego counsel and proceed *pro se*. See *United States v. Rivernider*, 828 F.3d 91, 108 (2d Cir. 2016) (“A defendant has a right either to counsel or to proceed *pro se* . . . but has no right to ‘hybrid’ representation, in which he is represented by counsel from time to time, but may slip into *pro se* mode for selected presentations.”).

SO ORDERED.

Dated: January 14, 2021  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

Dwayne Barrett #66266-054  
Metropolitan Detention Center  
P.O. Box 329002  
Brooklyn, NEW YORK 11232

December 23, 2020

The Honorable Richard J. Sullivan  
United States Court of Appeals  
For the Second Circuit  
40 Foley Square  
New York, New York 10007

Re: United States V. Dwayne Barrett 12 Cr. 45 (RJS)

Dear Honorable Judge Sullivan,

I, (Dwayne Barrett, hereinafter the Defendant) is currently scheduled for sentence on January 28, 2021. First, defendant want to make it clear that this is not an attempt to further delay the upcoming sentencing. However, due to this current Pandemic that's affecting human lives and health throughout America and this whole Earth, defendant respectfully request this matter be adjourned to a later date sometime in late March or early April;

At this time there is the availability of a vaccine

for vaccination to help fight this terrible disease (Covid-19). What defendant is trying to convey to the Court is that, a later date would provide ample time for the parties involved to have the opportunity to be vaccinated. With more people being vaccinated over a period of time would lower the risk of infection, which would further insure the health and safety of everyone that's involved in this proceeding, which is most important.

Also the facility where defendant is currently located, MDC Brooklyn, has been on and is still on, an indefinite lockdown due to this Pandemic. This lockdown makes it difficult for individuals to travel to and from the facility, without experiencing a strict isolation lockdown in the S.H.U. for an extended period of time.

### Conclusion

Wherefore, based on the above reasoning and facts, defendant respectfully ask this Court to set a sentencing date for sometime in late March or early April.

Dated: December 23, 2021

Respectfully Submitted,

Dwayne Barnett  
Dwayne Barrett

Dwayne Barrett #66266-054  
MDC Brooklyn  
Metropolitan Detention Center

MDC Brooklyn

Metropolitan Detention Center

P.O. Box 329002

Booklyn, New York 11232

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A black and white photograph of a woman in a white, flowing dress, possibly a wedding dress, standing in a dark, wooded area. The lighting is dramatic, highlighting the dress against the dark background. The text "FOREVER USA" is printed vertically on the left side of the image.

TO: Honorable Richard J. Sullivan  
United States Court of Appeals  
for the Second Circuit  
40 Foley Square  
New York, New York 10007

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for the Second Circuit

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